

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JIM R. BRIDGES,

Plaintiff,

vs.

J.C. PENNEY CORPORATION, INC., and  
GENERAL ELECTRIC CAPITAL  
CORPORATION, d/b/a GE CAPITAL  
RETAIL BANK,

Defendants.

**8:13CV157**

**ORDER**

This matter is before the court on the plaintiff's motion for leave to amend his complaint, Filing No. [21](#). In the motion, the plaintiff states that it is anticipated that the defendants oppose the amendment. The defendants have not responded to the motion.

Under Fed. R. Civ. P. 15, "the court should freely give leave when justice so requires." The plaintiff asserts that he has obtained new information since the filing of the original complaint. *See id.* Also, the proposed amended complaint addresses certain deficiencies noted in the defendants' motion to dismiss the original complaint. See Filing No. [8](#), Motion to Dismiss. The court finds the plaintiff's motion for leave to amend should be granted. The filing of the amended complaint renders the defendants' motion to dismiss moot.

IT IS ORDERED:

1. The plaintiff's motion for leave to amend (Filing No. [21](#)) is granted.
2. The plaintiff's amended complaint (Filing No. [21](#), [Attachment 1](#)) is deemed filed instanter.

3. The defendants' motion to dismiss (Filing No. [8](#)) is denied as moot, without prejudice to reassertion.

4. Defendants shall answer or otherwise plead within 14 days of the date of this order.

Dated this 5th day of November, 2013.

BY THE COURT:

s/ Joseph F. Bataillon  
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United States District Judge